IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

LA.App..No. 1016 of 2002(D)

LAR.153/1998 of PRL.SUB COURT,KOTTAYAM
.....

APPELLANT: RESPONDENT

STATE OF KERALA.

BY GOVERNMENT PLEADER SHRI K.V.MANOJ KUMAR
SRI.V.K.BEERAN, ADDL.ADVOCATE GENERAL

RESPONDENTS: CLAIMANT

THOMAS, S/O. VARGHESE,
CHITTETHUKALATHIL, VAZHAPALLY EAST,
CHENGANACHERRY.

BY ADV. SRI.V.B.PREMACHANDRAN
SRI.P.K.SIVADASAN NAIR

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 29/11/2007, ALONG WITH LAA NO. 1118 OF 2002, LAA NO. 569 OF 2003 AND LAA NO.469 OF 2003 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON I.A.No.22/03 IN LAA.1016/02

DISMISSED

29.11.2007 SD/= KURIAN JOSEPH, JUDGE.
SD/= HARUN-UL-RASHID, JUDGE

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

- - - - - - - - - - - - - - - - - -

L.A. A. NOS.1016/02, 1118/02, 469/03 & 569/03

- - - - - - - - - ---------- - - - - - -

DATED THIS THE 29TH DAY OF NOVEMBER, 2007

J U D G M E N T

Kurian Joseph, J.

These are appeals filed by the State and the claimant aggrieved by the market value and compensation fixed by the Land Acquisition Officer. The land was acquired for the purpose of Changanassery Bye-pass. As far as the land value is concerned, in all the cases pertaining to the acquisition of Changanassery Bye-pass, this court has held that enhancement to the tune of 60% over the value fixed by the Land Acquisition Officer would be reasonable. Adv.Shri Premachandran, learned counsel appearing for the appellants/claimants submits that though there was serious grievance regarding the land value, in view of the view already taken by this court in connected matters, their grievances regarding structures at least may be considered.

2. The reference court has rightly found on the basis of the materials available on record that the claimants have not established a case for any compensation with regard to the value

of the structures. It is submitted that there is a report by the Advocate-Commissioner. But on that report also the reference court has rightly observed that there is no supporting data or materials so as to sustain the claim for compensation on structures.

3. Yet another contention taken by the claimants is that they have not been granted interest on solatium. Being a settled position in view of the decision of the Supreme Court in **Sunder v. Union of India 2001 (3) KLT 489,** the appellant is entitled to compensation. Therefore, the appeal filed by the State as well as the claimants are dismissed; however clarifying that the claimants shall be entitled to interest on solatium also.

KURIAN JOSEPH, JUDGE

HARUN-UL-RASHID, JUDGE

dsn